

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREGORY MANEMAN et al.,

CASE NO. C24-2050-KKE

Plaintiffs,

V.

WEYERHAUSER COMPANY et al.

ORDER GRANTING AMERICAN
COUNCIL OF LIFE INSURERS' MOTION
FOR LEAVE TO FILE *AMICI CURIAE*

Defendants.

This matter comes before the Court on the American Council of Life Insurers' ("ACLI") motion for leave to participate as *amici curiae* in support of Defendants' motions to dismiss. Dkt. No. 45. For the reasons below, the Court grants the motion. *Id.*

On December 12, 2024, Plaintiffs (Gregory Maneman, Annette Williams, Cassandra Wright, James Hollins, and Pierre Donaby) filed this putative class action against Defendants (Weyerhaeuser Company, Weyerhaeuser Company Annuity Committee, Weyerhaeuser Company Administrative Committee, State Street Global Advisors Trust Company, and Does 1–5) for breach of fiduciary duty and violations of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C § 1001 *et seq.* Dkt. No. 1. The alleged bad acts arise from Defendants’ January 2019 transfer of certain pension obligations to a “highly risky private equity-controlled insurance company with a complex and opaque structure.” *Id.* ¶ 3. On February 24, 2025, Defendants filed two motions to dismiss arguing Plaintiffs lack standing and fail to state a claim

1 under Federal Rule of Civil Procedure 12(b)(6). Dkt. Nos. 32, 33. These motions will be fully
 2 briefed on May 30, 2025. Dkt. No. 42.

3 The Court previously granted the ERISA Industry Committee, the American Benefits
 4 Council, and the Committee on Investment of Employee Benefit Assets Inc. leave to submit an
 5 *amici curiae* brief in support of Defendants' motion to dismiss because it would be "of assistance
 6 to the Court in considering the 'important, historical context for the role annuity purchases play in
 7 the voluntary retirement benefit system' and 'practical perspectives on the consequences of
 8 particular outcomes.'" Dkt. No. 43 at 3 (quoting Dkt. No. 36 at 5). Now ACLI, "the leading trade
 9 association driving public policy and advocacy on behalf of the life insurance industry[,]” seeks to
 10 file an *amici curiae* brief in support of Defendants' motion to dismiss to provide "a broader gloss
 11 focusing on security of the life insurance industry." Dkt. No. 45 at 1, 2.

12 District courts have "broad discretion" regarding the appointment of amici. *Hoptowit v.*
 13 *Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515
 14 U.S. 472 (1995). Courts often welcome amicus briefs from non-parties "concerning legal issues
 15 that have potential ramifications beyond the parties directly involved." *United States v. City of*
 16 *Seattle*, No. C12-1282JLR, 2023 WL 3224497, at *1 (W.D. Wash. May 3, 2023). "There are no
 17 strict prerequisites to qualify as amici and the Court will allow an amicus brief where, as here, the
 18 amicus has unique information that can help the court beyond the help that the lawyers for the
 19 parties are able to provide." *Wagafe v. Biden*, No. 17-cv-00094-LK, 2022 WL 457983, at *1 (W.D.
 20 Wash. Feb. 15, 2022) (cleaned up). Further, "there is no rule that amici must be totally
 21 disinterested." *Funbus Sys., Inc. v. State of Cal. Pub. Utils. Comm'n*, 801 F.2d 1120, 1125 (9th
 22 Cir. 1986) (citation omitted); *see Hoptowit*, 682 F.2d at 1260 (affirming district court's
 23 appointment of amicus curiae even though amicus supported only one party's arguments).

1 Here, ACLI's proposed brief will assist the Court by providing context "about regulation
2 of the [life and annuity insurance] industry and protections for insureds and annuitants." Dkt. No.
3 45 at 2. Accordingly, the motion is GRANTED. *Id.*¹

4 The Court DIRECTS the Clerk to accept for filing ACLI's proposed *amici curiae* brief
5 (Dkt. No. 45-1). The parties may file optional responses to this brief by June 6, 2025. This order
6 does not entitle ACLI to make a formal appearance at any hearing, participate in oral argument at
7 any hearing, or file any reply memoranda.

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9 Dated this 23rd day of May, 2025.

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12 Kymberly K. Evanson
13 United States District Judge
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¹ ACLI's motion is labeled as a "motion for leave to file *amicus curiae* brief[J]" Dkt. No. 45. The Court only permits
ACLI to file the proposed *amicus curiae* brief in support of Defendants' motion to dismiss. Dkt. No. 45-1. ACLI may
not otherwise participate without explicit leave of the court.